

REMARKS

This paper is submitted in response to the Office Action dated December 16, 2004. A Petition to Revive Application for Unintentional Abandonment also is submitted herewith and a Grant of the same is earnestly solicited. Applicants respectfully request that the following Remarks be entered into the official file pertaining to the instant application. Claims 1-21 are currently pending in the present application.

The following sections address in seriatim the points raised in the Office Action that require response.

Claim Rejections under 35 U.S.C. § 102

A paragraph 2 spanning pages 2 and 3 of the Office Action, the Examiner rejects claims 1-5, 8-11, 13-17, 20 and 21 under 35 U.S.C. § 102(b) allegedly as being anticipated by Dritz '132.

The Applicant respectfully TRAVERSES the Examiner's rejection and asserts the following in response.

In making out a rejection under 35 USC § 102(b), the Examiner must demonstrate that each and every defined element in a rejected claim is shown or otherwise disclosed in the reference relied on by the Examiner. See 35 USC § 102(b). Accordingly, a patent applicant can overcome a rejection under 35 USC § 102(b) by simply demonstrating that certain claimed elements are not shown or otherwise disclose in the reference cited by the Examiner (i.e., that the claimed invention under rejection is patentably distinguishable over the alleged prior art). M.P.E.P. § 706.02(b).

The Dritz patent fails to show or otherwise disclose claim 1's pliers wherein the same include, for example, "a second arm pivotally mounted to said first arm and having a second handle portion and a gripping portion, said gripping portion configured to apply to force to said bushing suitable to install said bushing within the drive selector linkage assembly of the automobile when said first and second handles of said first and second arms are pivotally operated." See pending claim 1, *supra*, at lines 6-9. The Dritz patent is absolutely silent as to application of forces sufficient to install a bushing within a drive selector linkage assembly of an automobile.

Furthermore, the Dritz patent fails to show or otherwise disclose claim 8's pliers which include "a second arm pivotally mounted to said first arm between said first handle portion and said holder portion, wherein said second arm having a second handle portion proximal to said first handle portion and a gripping portion proximal to said holder portion, said gripping portion configured to apply a force to said bushing suitable to install said bushing within the drive selector linkage assembly of the automobile when said first and second handles of said first and second arms are pivotally operated, wherein said first and second handle portions enable said pliers to reach the drive selector linkage assembly of the automobile." As with claim 1, the Dritz patent is absolutely silent as to application of forces sufficient to install a bushing within a drive selector linkage assembly of an automobile.

And, the Dritz patent fails to show or otherwise disclose claim 14's pliers which include "a second arm pivotally mounted to said first arm between said first handle portion and said annular cup, wherein said second arm having a second handle portion proximal to said first handle portion and a planar annulus proximal to said annular cup, said planar annulus configured to apply a force to said annular component when said first and second handles of said first and second arms are pivotally operated." As with claims 1 and 8 as discussed above, the Dritz patent is absolutely silent as to application of forces sufficient to install a bushing within a drive selector linkage assembly of an automobile.

Moreover, the Dritz patent fails to show or otherwise disclose claim 21's pliers which include "a second arm pivotally mounted to said first arm and having a second handle portion and a gripping portion, said gripping portion configured to apply a force to said part suitable to install said part within the automobile when said first and second handles of said first and second arms are pivotally operated." As with claims 1, 8, and 14, as discussed above, the Dritz patent is absolutely silent as to application of forces sufficient to install a bushing within a drive selector linkage assembly of an automobile.

The dependent claims rejected by the Examiner and, in particular, claims 5, 9-11, 13, 15, 16, 17, and 20, are dependent on base independent claims which have been shown to be

patentably distinct from the Dritz patent. Accordingly, these dependent claims are patentable over Dritz for the same reasons associated with their base independent claims.

Thus, given the fact that rejected claims 1-5, 8-11, 13-17, 20 and 21 are patentably distinguishable over the Dritz patent, it respectfully requested that the Examiner's rejection of the same under 35 USC § 102(b) be withdrawn and that such claims be allowed to issue in a U.S. Patent.

Claim Rejections under 35 U.S.C. § 103

At paragraph 4 on page 3 of the Office Action, the Examiner rejects claims 6, 7, 12 and 18 are rejected under 35 U.S.C. § 103(a) allegedly as being unpatentable over Dritz in view of Grayson '812.

The Applicant respectfully TRAVERSES the Examiner's rejection and asserts the following in response.

The rejected claims are dependent claims which are dependent on claims that are clearly and patentably distinct over the Dritz patent as discussed above. The Grayson patent does not make up for the deficiencies of the Dritz patent. Accordingly, for the reasons stated above with regard to the Examiner's rejections under 35 USC § 102(b) which are now incorporated herein by reference, claims 6, 7, 12, and 18 are patentably distinct over the alleged combination of references of Dritz in view of Grayson. Thus, it is respectfully requested that the Examiner's rejection be withdrawn and that claims 6, 7, 12, and 18 be allowed to issue in a U.S. Patent.

At paragraph 5 spanning pages 4 and 5 of the Office Action, the Examiner rejects claim 19 under 35 U.S.C. § 103(a) allegedly as being unpatentable over Dritz in view of Grayson and in further view of Vogt '969.

The Applicant respectfully TRAVERSES the Examiner's rejection and asserts the following in response.

The rejected claim is a dependent claim which is dependent on a claim that is clearly and patentably distinct over the Dritz patent as discussed above. Neither the Grayson nor Vogt patents make up for the deficiencies of the Dritz patent. Accordingly, for the reasons stated

above with regard to the Examiner's rejections under 35 USC § 102(b) which are now incorporated herein by reference, claim 19 is patentably distinct over the alleged combination of references of Dritz in view of Grayson and Vogt. Thus, it is respectfully requested that the Examiner's rejection be withdrawn and that claim 19 be allowed to issue in a U.S. Patent.

Conclusion:

This Paper has been submitted in response to the Office Action mailed December 16, 2004, together with a Petition to Revive Application for Unintentional Abandonment. Per this Paper claims 1-21 remain pending in the Application and are presented for re-consideration.

Applicants believe that the present application is now in condition for allowance, which action is earnestly requested.

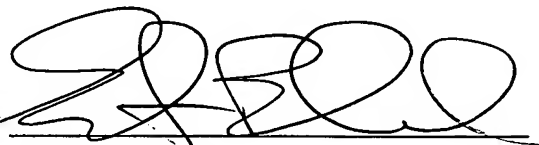
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic or in-person interview would advance the prosecution of the Application.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Office is hereby invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,

By 
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